

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00027
 PROPOSED ZONING CHANGE : R-2 to EMP
 LOCATION : 499 Long Shoals Road
 PIN : 9634.88.8113
 ACREAGE : 10.8

APPLICANT/OWNER: FRANCIS C. BRIGGS
 237 LONG SHOALS ROAD
 ARDEN, NC 28704

GARY L. CORN
 522 FLEMING STREET
 HENDERSONVILLE, NC 28739

DEPARTMENT RECOMMENDATION: **APPROVAL**

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the “product of a complex of factors.” Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING ANALYSIS: The applicants request the rezoning of approximately 10.8 acres from 2 (Residential District) to EMP (Employment District). The subject property is located on the south side of Long Shoals Road, across from the intersection of Long Shoals Road and Clayton Road. The tract currently contains a single family home and a manufactured home.

The area surrounding the tract is characterized by property zoned EMP at the intersection of Clayton Road and Long Shoals Road and property zoned R-2 which allows a variety of residential uses, including multi-family with a Conditional Use Permit.

The proposed map amendment of the tract is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- Reasonable proximity to major transportation corridor
- Outside of high elevations
- Outside of moderate and high slope stability hazards
- Outside of flood hazard areas

The tract has frontage on a major road, is adjacent to EMP, and the requested map amendment is supported by the Buncombe County Land Use Plan, therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENT

CONSISTENT: The map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- Reasonable proximity to major transportation corridor
- Outside of high elevations
- Outside of moderate and high slope stability hazards
- Outside of flood hazard areas

The area surrounding the tract is characterized by the property zoned EMP at the intersection of Clayton Road and Long Shoals Road. Therefore, the requested zoning would be reasonable and in the interest of the public.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- Is not outside of steep slope areas
- Does not have proximity to Public Utilities

The tract is adjacent to low density residential uses, therefore the requested zoning would neither be reasonable nor in the public interest.